

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR GREENE COUNTY )

Case No. 28S00-1308-MS- 542

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Greene Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Greene Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR28-TR70-02 and DR20-CR13-000 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Greene County Local Rule, LR28-TR70-02 and DR20-CR13-000, set forth as an attachment to this Order, are approved effective August 15, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Eric Allen, Greene Circuit Court, P.O. Box 231, Bloomfield, IN 47424-0231; the Hon. Dena Benham Martin, Greene Superior Court, P.O. Box 445, Bloomfield, IN 47424-0445; to the Clerk of the Greene Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Greene Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on August 19, 2013.

  
Brent E. Dickson  
Chief Justice of Indiana

**LR28-TR70-02**  
**APPOINTMENT OF SPECIAL JUDGES IN CIVIL CASES**

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

**DR 20-TR79-000**\_\_\_ **APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES**

**A. Eligibility for Special Judge Service:**

1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

**B. Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.

**C. Acceptance of Appointment:**

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

- D. **Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. **Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. **Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

**LR28-AR01-01**  
**CASELOAD ALLOCATION PLAN**

**A. ANNUAL REVIEW:** The Judges of the Greene Circuit Court and the Greene Superior Court shall meet annually to review the weighted caseload statistics of each Court and to comply with Orders of the Indiana Supreme Court concerning case assignments.

**B. GREENE CIRCUIT COURT:** The following cases shall be filed exclusively with the Greene Circuit Court:

1. Juvenile.
2. Adoption.
3. Guardian.
4. Estates.

**C. GREENE SUPERIOR COURT:** The following cases shall be filed exclusively with the Greene Superior Court:

1. Small Claims.
2. Infractions.
3. Minor Offenses and Violations.
4. Criminal, if each Count is a misdemeanor or if a Count alleges either a felony or misdemeanor violation of I.C. 9-30-5 et seq.

**D. CONCURRENT ASSIGNMENT:** The Greene Circuit Court and Greene Superior Court shall receive assignments of all other matters, including:

1. Civil Commitments.
  2. Criminal offenses, except cases alleging all misdemeanors or cases alleging either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
  3. Civil.
  4. Civil and Criminal Cases Transferred from Other Counties.
  5. Protective Orders.
- from the Clerk of the Greene Circuit Court as follows:

**1. Random Draw:** When a case is filed, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system.

**2. Probation Transfer, Subpoena Duces Tecum, and Search Warrant Cases:** Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State is filing a motion for subpoena duces tecum, or a case in which the State is seeking a search warrant, the Clerk will file the case randomly, consistent with the procedures set forth in the preceding paragraph.

**3. Companion Civil Filings:** In the event two or more civil cases are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system. All companion cases will then be filed in the selected Court.

**4. Subsequent Criminal Filings:** The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal felony cases, excluding violations of I.C. 9-30-5 et seq., pending against an individual filed in the same Court. Therefore, when a criminal case is filed which charges an accused with a felony, excluding violations of I.C. 9-30-5 et seq., the Prosecuting Attorney and the Clerk shall determine if the accused has another felony charge pending in either Court. "Another felony charge pending" means both a felony case where judgment has not yet been entered and a felony case in which a Petition to Revoke has been filed. If there is another felony charge pending in either Court, the new charge shall be filed in the same Court where the previous felony charge is pending.

**E. TRANSFER:** The Judge of the Greene Circuit Court or the Greene Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

**F. REFILINGS:** When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken.

**G. APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES:** When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.

*(Amended effective March 14, 2011; further amended August 15, 2013)*

#### **DR 20-CR13-000\_\_ APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES**

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

**A. Eligibility for Special Judge Service.**

- 1. Available to Serve.** Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.

2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.
1. **Priority Given to Local County Appointments.** Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
  2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.
- D. Acceptance of Appointment.**
1. **Acceptance Mandatory.** Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
  2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.
- E. Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- F. Discontinuation of Special Judge Service.** The provisions of C.R. 13(F) if a Special Judge ceases to serve following assumption of jurisdiction.
- G. Method for Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

*(Adopted effective August 15, 2013)*